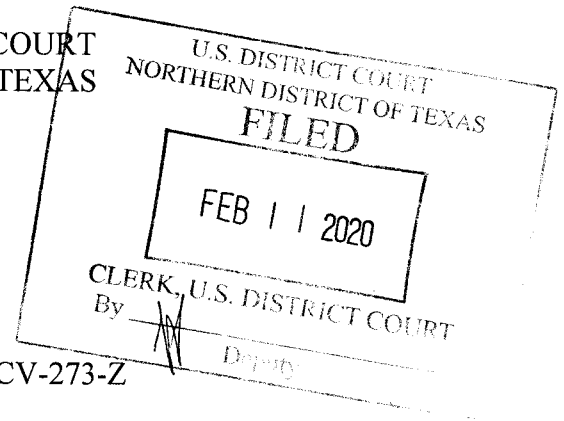


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



XZAVION DAYSHAUN RAGSDALE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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2:16-CV-273-Z

**ORDER ADOPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION  
AND  
DENYING MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE**

Before the Court are the findings, conclusions and recommendation of the United States Magistrate Judge to deny the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence filed by petitioner in this case. (ECF 29). No objections to the findings, conclusions, and recommendation have been filed. After making an independent review of the pleadings, files, and records in this case, the Court concludes that the findings, conclusions, and recommendation of the Magistrate Judge are correct. It is therefore ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED, and the Motion to Vacate, Set Aside or Correct Sentence is DENIED.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2255 Proceedings in the United States District Courts, and 28 U.S.C. § 2253(c), the Court denies a certificate of appealability because petitioner has failed to make “a substantial showing of the denial of a constitutional right.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court ADOPTS and incorporates by reference the

Magistrate Judge's findings, conclusions, and recommendation filed in this case in support of its finding that petitioner has failed to show that reasonable jurists would find: (i) the Court's "assessment of the constitutional claims debatable or wrong;" or (ii) "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Id.*

If petitioner files a notice of appeal, he may proceed *in forma pauperis* on appeal. *See* Fed. R. App. P. 24(a)(3).

**SO ORDERED.**

February 11, 2020.



MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE